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HOUSE RESOLUTION

WHEREAS, The Constitution of the State of Illinois, Article 1, Section 15 states that "Private property shall not be taken or damaged for public use without just compensation as provided by law. Such compensation shall be determined by a jury as provided by law"; and

WHEREAS, Quick-take powers were originally intended for the acquisition of property to be used for public purposes, not private purposes; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that before a unit of local government may request House approval of legislation authorizing the unit of local government to acquire property by eminent domain using "quick-take" powers under Section 7-103 of the Code of Civil Procedure, the unit of local government must comply with all of the following procedures:

(1) The unit of local government must notify each owner of an interest in the property, by certified mail, of the unit of local government's intention to request approval of legislation by the General Assembly authorizing the unit of local government to acquire the property by eminent domain using "quick-take" powers under Section 7-103 of the Code of Civil Procedure.

(2) The unit of local government must cause notice of its intention to request authorization to acquire the property by eminent domain using "quick-take" powers to be published in a newspaper of general circulation in the territory sought to be acquired by the unit of local government.

(3) Following the notices required under paragraphs (1) and (2), the unit of local government must hold at least one public hearing, at the place where the unit of

1 local government normally holds its business meetings, on
2 the question of the unit of local government's
3 acquisition of the property by eminent domain using
4 "quick-take" powers.

5 (4) Following the public hearing or hearings held
6 under paragraph (3), the unit of local government must
7 adopt, by recorded vote, a resolution to request approval
8 of legislation by the General Assembly authorizing the
9 unit of local government to acquire the property by
10 eminent domain using "quick-take" powers under Section
11 7-103 of the Code of Civil Procedure. The resolution
12 must include a statement of the time period within which
13 the unit of local government requests authority to
14 exercise "quick-take" powers, which may not exceed one
15 year.

16 (5) Following the public hearing or hearings held
17 under paragraph (3), and not less than 30 days following
18 the notice to the property owner or owners required under
19 paragraph (1), the chief elected official of the unit of
20 local government must submit to the Chairman of the House
21 Executive Committee a sworn, notarized affidavit that
22 states all of the following:

23 (A) The legal description of the property.

24 (B) The street address of the property.

25 (C) The name of each State Senator and State
26 Representative who represents the territory under
27 the unit of local government's jurisdiction.

28 (D) The date or dates on which the unit of
29 local government contacted each such State Senator
30 and State Representative concerning the unit of
31 local government's intention to request approval of
32 legislation by the General Assembly authorizing the
33 unit of local government to acquire the property by
34 eminent domain using "quick-take" powers.

1 (E) The current name, address, and telephone
2 number of each owner of an interest in the property.

3 (F) A summary of all negotiations between the
4 unit of local government and the owner or owners of
5 the property concerning the sale of the property to
6 the unit of local government.

7 (G) A statement of the date and location of
8 each public hearing held under paragraph (3).

9 (H) A statement of the public purpose for which
10 the unit of local government seeks to acquire the
11 property.

12 The affidavit must also contain the chief elected
13 official's certification that (i) the property is located
14 within the territory under the unit of local government's
15 jurisdiction and (ii) the unit of local government seeks
16 to acquire the property for a public purpose.

17 (6) Together with the affidavit submitted under
18 paragraph (5), the chief elected official of the unit of
19 local government must submit the following items to the
20 Chairman of the House Executive Committee:

21 (A) A map of the area in which the property to
22 be acquired is located, showing the location of the
23 property.

24 (B) Photographs of the property.

25 (C) An appraisal of the property by a real
26 estate appraiser who is certified or licensed under
27 the Real Estate Appraiser Licensing Act.

28 (D) A copy of the resolution adopted by the
29 unit of local government under paragraph (4).

30 (E) Documentation of the public purpose for
31 which the unit of local government seeks to acquire
32 the property.

33 (F) A copy of each notice sent to an owner of
34 an interest in the property under paragraph (1); and

1 be it further

2 RESOLVED, That every affidavit submitted by a unit of
3 local government pursuant to this Resolution, together with
4 all documents and other items submitted with the affidavit,
5 must be made available to any person upon request for
6 inspection and copying.